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some particular event, and remains as much in the dark as ever respecting the just certainty and fulfilment of them. Innumerable sermons have been preached and volumes of controversy have been published on needless and speculative points tending only to darken the subject the authors took in hand to illustrate, and to lead the attention from the simple truth. Some of these I have seen and I consider the greater part as mere extravagant flights of imagination, unimportant and unintelligible. If we are desirous to be useful in an essential manner to the Jews, let us in the first place begin a reformation among ourselves, and teach them by our example the road to true felicity.

It is not a change of opinion that is most wanting, it is a change of heart and conduct, and this is abso-

lutely necessary let our names to religion be what they may, and without this the most pompous profession falls to the ground.

Let us endeavour by our example, to teach not only the Jews but one another the practice of genuine religion, which, in my opinion is the very reverse of what in too general a way passes for religion in the world. Let us endeavour to hold forth an example of love, peace, and charity, of meekness, humility, and as far as in us lies, of every christian virtue, and if the Jews follow us from a firm conviction of the necessity thereof, we may indeed rejoice, for otherwise it is of no consequence to us what opinions they may hold. A change merely of profession can be attended with no probable beneficial result.

N. S.

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#### BIOGRAPHICAL SKETCHES OF DISTINGUISHED PERSONS.

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##### AN ACCOUNT OF WILLIAM PENN.

**W**ILLIAM PENN was born in the parish of St. Catherine's, near the Tower, in London, the 14th October, 1644. His father, of the same name, was a man of good estate and reputation, and in the time of the Commonwealth served in some of the highest maritime offices, in all which he acquitted himself with honour and fidelity. After the Restoration, he was knighted by Charles II. and was a particular favourite of his brother the Duke of York. The prospect of his son's advancement, induced his father to give him a liberal education; and the youth of an excellent genius made such early improvements in literature, that at 15 years of age, he was entered of Christ's church college at Oxford. Here he discovered an

ardent desire after pure and spiritual religion; for he, with several other students, withdrawing from the public worship, held private meetings for the exercise of religion, where they preached and prayed among themselves. This gave great offence to their superiors, who fined him, though but 16 years of age, for non-conformity. This not abating the fervour of his zeal, he was at length for persevering in like practices, expelled the college. Thence returning home, he sought the company of religious people, from which his father, knowing that it would stand in the way of his preferment, endeavoured to dissuade him; and at length turned him out of doors. Patience surmounted this difficulty, and his father's affection overcoming his anger, he sent him in company

of some persons of quality to make the tour of France. Here he continued a considerable time, till a conversation entirely different diverted his mind from serious thoughts of religion, and upon his return, his father finding him not only a proficient in the French tongue, but also in the polite and courtly manners of that gay people, received him joyfully, hoping that his point was gained. Great was the conflict of his mind. His lively and active disposition, his acquired accomplishments, his father's favour, the respect of his friends and acquaintance, all strongly solicited him to embrace the glory and pleasures of this world, courting and caressing him as it were, in the bloom of youth to accept them. Such a combined force might seem irresistible; but the earnest supplication of his soul being turned to God for preservation, he was pleased to grant him such a portion of his holy spirit, as enabled him to overcome all opposition, and to follow apprehended duty, through reproaches and persecutions.

About the 22d year of his age, his father committed to his care and management a considerable estate in Ireland, which occasioned his residence in that country. Being at Cork, at a Quaker's meeting, he was present at the preaching of Thomas Loe, who expatiated on this text—"There is a faith that overcomes the world, and there is a faith that is overcome by the world:" on which subject he enlarged with clearness and energy. Penn became a convert to the principles of the Quakers, and attended the meetings of that people in the hottest times of persecution. At one of those meetings he was taken up, with many others, and brought before the mayor, who would have set him at liberty, on bond for his good behaviour,

which he refusing, he was with 18 others committed to prison; whence he was soon after discharged, by an order of the earl of Orrery, to whom he had represented his case. Fellowship in suffering united him still closer to this people, whose religious innocence was their only crime: he now openly professed himself a Quaker, and incurred the contempt of both professors and profane; to the latter, for being religious—and to the former, for having a better religion than theirs. His father now remanded him home, a call which he readily obeyed: the grave deportment of his countenance, gave manifest indications of the change in his mind: and a most pathetic contest took place between the father and son—the father actuated by natural love, aiming at the son's temporal honour: he, guided by a divine impulse, having chiefly in view his own eternal welfare: the father, grieved to see the well accomplished son of his hopes, ripe for worldly promotion, voluntarily turn his back on it: he no less afflicted to think that a compliance with his earthly father's pleasure, was inconsistent with his obedience to his heavenly one: his father pressing his conformity to the customs and fashions of the times: he modestly craving leave to refrain from what would hurt his conscience. Finding him too fixed to be brought to a compliance with customary compliments, his father now made it a point that he should at least be uncovered in the presence of the king, the duke, and himself. Penn retired before God, with fasting and supplication, to know his will; and returning to his father, he humbly signified that he could not comply with his desire. Utterly disappointed in his hopes, and not able to endure him longer in his sight, his father turned him out of doors a se-

cond time. Thus exposed to the charity of his friends, having no other subsistence except what his mother privately sent him, he endured the cross with Christian patience and magnanimity. After a considerable time, his steady perseverance, evincing his integrity, his father winked at his return; and when imprisoned for being at meetings, would privately use his interest for his release.

In 1668, Wm Penn became a public preacher, being then twenty-four years of age. And about this time, being engaged with one Vincent in controversy on some disputed points of religion, he took occasion to publish his "Sandy Foundation Shaken;" which containing doctrines offensive to some then at the helm of the church, the old method was resorted to, of reforming what they call error, by advancing their strongest argument, viz. an order for his imprisonment in the tower, with intimation, that he must either recant, or die a prisoner.

Being restrained from preaching, Penn now applied himself to writing. Several treatises are the fruits of his solitude, particularly his excellent "No Cross, no Crown," which tending towards the general design of religion, was well accepted.

In 1670, came out the Conventicle Act, prohibiting Dissenters' meetings, under severe penalties: the edge of this weapon was turned against the Quakers, who, in those days, not accustomed to flinch in the cause of religion, stood most exposed. Being forcibly kept out of their meeting-house in Grace-church street, they met as near it in the street as they could, and William Penn there preaching, was apprehended by a warrant from the mayor, committed to Newgate, and at the next sessions at the Old Bailey, was, with William Mead, indicted

for being present at, and preaching to an unlawful, seditious, and riotous assembly. At his trial, he discovered at once the free spirit of an Englishman, and the undaunted magnanimity of a christian, and notwithstanding the frowns and menaces of the bench, the jury acquitted him.

As this trial affords a specimen of the undaunted spirit of the sufferers in the cause of religious freedom, and likewise of the arbitrary conduct and sentiments of the Bench in those days of misrule, and as it discovers the domineering arrogance of high church principles, a full account of this memorable trial is inserted.

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THE TRIAL OF WILLIAM PENN, AND WILLIAM MEAD, AT THE OLD BAILEY, SEPTEMBER 1670.

*Present on the bench, as justices,*

*Sam. Starling, mayor.*

*John Howell, recorder,*

*Thomas Bludworth, alderman.*

*William Peak, alderman.*

*Richard Ford, alderman.*

*John Robinson, alderman.*

*Joseph Shelden, alderman.*

*Richard Brown,*

*John Smith,*

*James Edwards,*

} *sheriffs.*

The citizens of London that were summoned for jurors, appearing, were impanelled; viz.

*Clerk. Call over the jury.*

*Cryer. Oyes, Thomas Veer, Ed. Bushel, John Hammon, Charles Milson, Gregory Walklet, John Brightman, Will. Plumstead, Henry Henly, James Damask, Henry Michel, Will. Lever, John Bailly.*

THE INDICTMENT.

"That William Penn, gent. and William Mead, late of London, linen-draper, with divers other persons to the jurors unknown, to the number

of three hundred, the 15th day of August, in the 22d year of the king, about eleven of the clock in the forenoon of the same day, with force and arms, &c. in the parish of St. Bennet, Grace-church, in Bridge-ward, London, in the street called Gracechurch-street, unlawfully and tumultuously did assemble and congregate themselves together, to the disturbance of the peace of the said lord the king : and the aforesaid William Penn, and William Mead, together with other persons to the jurors aforesaid unknown, then and there so assembled and congregated together; the aforesaid William Penn, by agreement between him and William Mead before made, and by abetment of the aforesaid William Mead, then and there, in the open street, did take upon himself to preach and speak, and then and there did preach and speak, unto the aforesaid William Mead, and other persons there in the street aforesaid, being assembled and congregated together ; by reason thereof, a great concourse and tumult of people in the street aforesaid, then and there, a long time did remain and continue, in contempt of the said lord the king, and of his law ; to the great disturbance of his peace, to the great terror and disturbance of many of his liege people and subjects, to the ill example of all others in the like case offenders, and against the peace of the said lord the king, his crown and dignity."

What say you William Penn, and William Mead ? Are you guilty as you stand indicted, in manner and form as aforesaid, or not guilty ?

*Penn.* It is impossible that we should be able to remember the indictment *verbatim*, and therefore we desire a copy of it, as is customary on the like occasions.

*Recorder* You must first plead to the indictment, before you can have a copy of it.

*Penn.* I am unacquainted with the formality of the law, and therefore before I shall answer directly, I request two things of the court. First, That no advantage may be taken against me, nor I deprived of any benefit, which I might otherwise have received. Secondly, That you will promise me a fair hearing, and liberty of making my defence.

*Court.* No advantage shall be taken against you : you shall have liberty ; you shall be heard.

*Penn.* Then I plead not guilty, in manner and form.

*Clerk.* What sayest thou, William Mead ? Art thou guilty in manner and form, as thou standest indicted, or not guilty ?

*Mead.* I shall desire the same liberty as is promised to William Penn.

*Court.* You shall have it.

*Mead.* Then I plead not guilty in manner and form.

*The court adjourned.*

The third of September 1670, the court sat.

*Mayor.* Sirrah, who bid you put off their hats ? Put on their hats again.

Whereupon one of the officers putting the prisoners hats upon their heads (pursuant to the order of the court) brought them to the bar.

*Recorder.* Do you know where you are ?

*Penn.* Yes.

*Recorder.* Do you know it is the king's court ?

*Penn.* I know it to be a court, and I suppose it to be the king's court.

*Recorder.* Do you know there is respect due to the court ?

*Penn.* Yes.

*Recorder.* Why do you not pay it then ?

*Penn.* I do so.

*Recorder.* Why do you not put off your hat then ?

*Penn.* Because I do not believe that to be any respect.

*Recorder.* Well, the court sets forty marks upon your heads, as a fine, for your contempt of the court.

*Penn.* I desire it may be observed, that we came into the court with our hats off (that is, taken off) and if they have been put on since, it was by order from the bench; and therefore not we, but the bench, should be fined.

*Mead.* I have a question to ask the recorder: Am I fined also?

*Recorder.* Yes.

*Mead.* I desire the jury, and all people, to take notice of this injustice of the recorder, who spake not to me to pull off my hat, and yet hath he put a fine upon my head. O! fear the Lord, and dread his power, and yield to the guidance of his holy spirit; for he is not far from every one of you.

*The jury sworn again.*

J. Robinson, lieutenant of the tower, disingenuously objected against Edward Bushel, as if he had not kissed the book, and therefore would have him sworn again; though indeed it was on purpose to have made use of his tenderness of conscience, in avoiding reiterated oaths, to have put him by his being a jurymen, apprehending him to be a person not fit to answer their arbitrary ends.

The clerk read the indictment as aforesaid.

*Clerk.* Call James Cook into the court, give him his oath.

*Clerk.* James Cook, lay your hand upon the book; "The evidence you shall give to the court, betwixt our sovereign the king, and the prisoners at the bar, shall be the truth, the whole truth, and nothing but the truth. So help you God." &c.

*Cook.* I was sent for from the Exchange, to go and disperse a meeting

in Gracechurch-street, where I saw Mr. Penn speaking to the people, but I could not hear what he said, because of the noise. I endeavoured to make way to take him, but I could not get to him for the croud of people. Upon which Captain Mead came to me, about the kennel of the street, and desired me to let him go on; for when he had done, he would bring Mr. Penn to me.

*Court.* What number do you think might be there?

*Cook.* About three or four hundred people.

*Court.* Call Richard Reed, give him his oath.

*Reed* being sworn, was asked, What do you know concerning the prisoners at the bar?

*Reed.* My lord, I went to Gracechurch-street, where I found a great croud of people, and I heard Mr. Penn preach to them; and I saw Captain Mead speaking to Lieutenant Cook, but what he said I could not tell.

*Mead.* What did William Penn say?

*Reed.* There was such a great noise that I could tell what he said.

*Mead.* Jury, observe this evidence; he saith he heard him preach; and yet saith, he doth not know what he said.

Jury, take notice, he swears now a clean contrary thing to what he swore before the mayor, when we were committed: for now he swears that he saw me in Gracechurch-street, and yet swore before the mayor, when I was committed, that he did not see me there. I appeal to the mayor himself, if this be not true? (But no answer was given.)

*Court.* What number do you think might be there?

*Reed.* About four or five hundred.

*Penn.* I desire to know of him what day it was?

*Reed.* The 14th day of August.

*Penn.* Did he speak to me, or let me know he was there? For I am very sure I never saw him.

*Clerk.* Crier, call — — into the court.

*Court.* Give him his oath.

— My lord, I saw a great number of people, and Mr. Penn I suppose was speaking. I saw him make a motion with his hands, and heard some noise, but could not understand what he said. But for Captain Mead, I did not see him there.

*Recorder.* What say you, Mr. Mead? Were you there?

*Mead.* It is a maxim in your own law, *Nemo tenetur accusare seipsum*; which if it be not true Latin, I am sure that it is true English, 'That no man is bound to accuse himself.' And why dost thou offer to ensnare me with such a question? Doth not this shew thy malice? Is this like unto a judge, that ought to be counsel for the prisoner at the bar?

*Recorder.* Sir, hold your tongue; I did not go about to ensnare you.

*Penn.* I desire we may come more close to the point, and that silence be commanded in the court.

We confess ourselves to be so far from recanting, or declining to vindicate the assembling of our ourselves, to preach, pray, or worship the eternal, holy, just God, that we declare to all the world, that we do believe it to be our indispensable duty to meet incessantly upon so good an account; nor shall all the powers upon earth be able to divert us from reverencing and adoring our God, who made us.

*Brown.* You are not here for worshipping God, but for breaking the law. You do yourself a great deal of wrong in going on in that discourse.

*Penn.* I affirm I have broken no law, nor am I guilty of the indictment that is laid to my charge. And to the end the bench, the jury, and myself, with those that hear us, may

have a more direct understanding of this procedure, I desire you would let me know by what law it is you prosecute me, and upon what law you ground my indictment.

*Recorder.* Upon the common law.

*Penn.* Where is that common law?

*Recorder.* You must not think I am able to run up so many years, and over so many adjudged cases, which we call common law, to answer your curiosity.

*Penn.* This answer I am sure is very short of my question; for if it be common, it should not be so hard to produce.

*Recorder.* Sir will you plead to your indictment?

*Penn.* Shall I plead to an indictment that hath no foundation in law? If it contain that law you say I have broken, why would you decline to produce that law, since it will be impossible for the jury to determine, or agree to bring in the verdict, who have not the law produced, by which they would measure the truth of this indictment, and the guilt, or contrary of my fact.

*Recorder.* You are saucy, fellow. Speak to the indictment.

*Penn.* I say it is my place to speak to matter of law. I am arraigned a prisoner; my liberty which is next to life itself, is now concerned. You are many mouths and ears against me; and if I must not be allowed to make the best of my case, it is hard. I say again, unless you shew me, and the people, the law you ground your indictment upon, I shall take it for granted your proceedings are merely arbitrary.

At this time several upon the bench urged hard upon the prisoner to bear him down.

*Recorder.* The question is, Whether you are guilty of this indictment?

*Penn.* The question is not whether I am guilty of this indictment, but whether this indictment be legal.

It is too general and imperfect an answer, to say it was the common law, unless we both knew where, and what it is. For where there is no law, there is no transgression; and that law which is not in being, is so far from being common, that it is no law at all.

*Recorder.* You are an impertinent fellow. Will you teach the court what law is? It is *lex non scripta*; that which many have studied thirty or forty years to know, and would you have me tell you in a moment?

*Penn.* Certainly, if the common law be so hard to be understood, it is far from being very common. But if the Lord Coke, in his 'Institutes,' be of any consideration, he tells us, 'That common law is common right; and that common right is the great charter privileges, confirmed 9 Hen. 3. 29. 25 Edw. 1. 1. 2 Edw. 3. 8.' Coke Inst. 2 p. 56.

*Recorder.* Sir, you are a troublesome fellow, and it is not for the honour of the court to suffer you to go on.

*Penn.* I have asked but one question, and you have not answered me; though the rights and privileges of every Englishman be concerned in it.

*Recorder.* If I should suffer you to ask questions till to-morrow morning, you would be never the wiser.

*Penn.* That is according as the answers are.

*Recorder.* Sir, we must not stand to hear you talk all night.

*Penn.* I design no affront to the court, but to be heard in my just plea. And I must plainly tell you, that if you will deny me the Oyer of that law, which you suggest I have broken, you do at once deny me an acknowledged right, and evidence to the whole world your resolution to sacrifice the privileges of Englishmen to your sinister and arbitrary designs.

*Recorder.* Take him away. My lord,

if you take not some course with this pestilent fellow, to stop his mouth, we shall not be able to do any thing to-night.

*Mayor.* Take him away, take him away; turn him into the bale dock.

*Penn.* These are but so many vain exclamations. Is this justice, or true judgment? Must I therefore be taken away because I plead for the fundamental laws of England? However, this I leave upon your consciences, who are of the jury, (and my sole judges) that if these ancient fundamental laws, which relate to LIBERTY and PROPERTY, (and are not limited to particular persuasions in matters of religion) must not be indispensably maintained and observed, 'Who can say he hath a right to the coat upon his back?' Certainly our liberties are openly to be invaded; our wives to be ravished; our children slaved; our families ruined; and our estates led away in triumph, by every sturdy beggar, and malicious informer, as their trophies, for our (pretended) forfeits for conscience sake. The Lord of heaven and earth will be judge between us in this matter.

*Rec.* Be silent there.

*Penn.* I am not to be silent in a case wherein I am so much concerned; and not only myself, but many ten thousand families besides.

They having rudely hauled him into the bale-dock, William Mead they left in court, who spake as followeth.

*Mead.* You men of the jury, here I do now stand to answer to an indictment against me, which is a bundle of stuff, full of lies and falsehood; for therein I am accused that I met *vi & armis, illicitè & tumultuosè*. Time was, when I had freedom to use a carnal weapon, and then I thought I feared no man; but now I fear the living God, and dare not make use thereof, nor hurt any man;



nor do I know I demeaned myself as a tumultuous person. I say, I am a peaceable man; therefore it is a very proper question what William Penn demanded in this case, "an Oyer of the law on which our indictment is grounded."

*Recorder.* I have made answer to that already.

*Mead.* [Turning his face to the jury, said] You men of the jury, who are my judges, if the recorder will not tell you what makes a riot, a rout, or an unlawful assembly, Coke, be that once they called the Lord Coke, tells us what makes a riot, a rout, and an unlawful assembly.—"A riot is when three or more are met together to beat a man, or to enter forcibly into another man's land, to cut down his grass, his wood, or break down his pales."

Here the recorder interrupted him, and said, "I thank you, sir, that you will tell me what the law is." (Scornfully pulling off his hat.)

*Mead.* Thou mayest put on thy hat; I have never a fee for thee now.

*Brown.* He talks at random; one while independent, another while some other religion, and now a quaker, and next a papist.

*Mead.* *Turpe est doctori cum culpa redarguit ipsum.*

*Mayor.* You deserve to have your tongue cut out.

*Recorder.* If you discourse in this manner, I shall take occasion against you.

*Mead.* Thou didst promise me I should have fair liberty to be heard. Why may I not have the privilege of an Englishman? I am an Englishman; and you might be ashamed of this dealing.

*Recorder.* I look upon you to be an enemy to the laws of England, which ought to be observed and kept; nor are you worthy of such privileges as others have.

*Mead.* The Lord is judge between me and thee in this matter.

Upon which they took him away into the bale-dock, and the recorder proceeded to give the jury their charge, as followeth.

*Recorder.* You have heard what the indictment is; it is for preaching to the people, and drawing a tumultuous company after them; and Mr. Penn was speaking. If they should not be disturbed, you see they will go on. There are three or four witnesses that have proved this, that he did preach there, that Mr. Mead did allow of it. After this, you have heard by substantial witnesses what is said against them. Now we are upon the matter of fact, which you are to keep to and observe, as what hath been fully sworn, at your peril.

The prisoners were put out of the court, into the bale-dock, and the charge given to the jury in their absence. At which W. P. with a very raised voice, (it being a considerable distance from the bench) spake.

*Penn.* I appeal to the jury, who are my judges, and this great assembly, whether the proceedings of the court are not most arbitrary, and void of all law, in offering to give the jury their charge in the absence of the prisoners. I say, it is directly opposite to, and destructive of, the undoubted right of every English prisoner, as Coke, in the 2 Inst. 29. on the chapter of Magna Charta, speaks.

The recorder being thus unexpectedly lashed for his extrajudicial procedure, said, with an enraged smile.

*Recorder.* Why ye are present, you do hear: do you not?

*Penn.* No thanks to the court, that commanded me into the bale-dock. And you of the jury take notice, that

I have not been heard, neither can you legally depart the court, before I have been fully heard; having at least ten or twelve material points to offer, in order to invalidate their indictment.

*Recorder.* Pull that fellow down; pull him down.

*Mead.* Are these according to the rights and privileges of Englishmen, that we should not be heard, but turned into the bale-dock, for making our defence, and the jury to have their charge given them in our absence? I say, these are barbarous and unjust proceedings.

*Recorder.* Take them away into the hole. To hear them talk all night, as they would, that I think doth not become the honour of the court; and I think you (i. e. the jury) yourselves would be tired out, and not have patience to hear them.

The jury were commanded up to agree on their verdict, the prisoners remained in the stinking hole. After an hour and a half's time, eight came down agreed, but four remained above; the court sent an officer for them, and they accordingly came down. The bench used many unworthy threats to the four that dissented; and the recorder, addressing himself to Bushel, said, Sir, you are the cause of this disturbance, and manifestly shew yourself an abettor of faction; I shall set a mark upon you, Sir.

*J. Robinson.* Mr. Bushel, I have known you near these fourteen years; you have thrust yourself upon this jury, because you think there is some service for you. I tell you, you deserve to be indicted more than any man that hath been brought to the bar this day.

*Bushel.* No, Sir John; there were threescore before me; and I would willingly have got off, but could not.

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*Bludworth.* I said, when I saw Mr. Bushel, what I see is come to pass: for I knew he would never yield. Mr. Bushel we know what you are.

*Mayor.* Sirrah, you are an impudent fellow; I will put a mark upon you.

They used much menacing language, and behaved themselves very imperiously to the jury, as persons not more void of justice, than sober education. After this barbarous usage, they sent them to consider of bringing in their verdict; and after some considerable time they returned to court. Silence was called for, and the jury called by their names.

*Clerk.* Are you agreed upon your verdict?

*Jury.* Yes.

*Clerk.* Who shall speak for you?

*Jury.* Our foreman.

*Clerk.* Look upon the prisoners at the bar: how say you? Is William Penn guilty of the matter whereof he stands indicted in manner and form, or not guilty?

*Foreman.* Guilty of speaking in Gracechurch-street.

*Court.* Is that all?

*Foreman.* That is all I have in commission.

*Recorder.* You had as good say nothing.

*Mayor.* Was it not an unlawful assembly? You mean he was speaking to a tumult of people there?

*Foreman.* My lord, this was all I had in commission.

Here some of the jury seemed to buckle to the questions of the court; upon which Bushel, Hammond, and others, opposed themselves, and said, "They allowed of no such word, as an unlawful assembly, in their verdict." At which the Recorder, Mayor, Robinson, and Blud-

worth, took great occasion to vilify them with the most opprobrious language; and this verdict not serving their turns, the recorder expressed himself thus:

*Recorder.* The law of England will not allow you to depart, till you have given in your verdict.

*Jury.* We have given in our verdict, and we can give in no other.

*Recorder.* Gentlemen, you have not given in your verdict, and you had as good say nothing. Therefore go and consider it once more, that we may make an end of this troublesome business.

*Jury.* We desire we may have pen, ink, and paper.

The court adjourned for half an hour; which being expired, the court returned, and the jury not long after.

The prisoners were brought to the bar, and the jurors names called over.

*Clerk.* Are you agreed of your verdict?

*Jury.* Yes.

*Clerk.* Who shall speak for you?

*Jury.* Our foreman.

*Clerk.* What say you? Look upon the prisoners: Is William Penn guilty in manner and form, as he stands indicted, or not guilty?

*Foreman.* Here is our verdict (holding forth a piece of paper to the clerk of the peace, which follows):

WE the jurors, hereafter named, do find William Penn to be guilty of speaking or preaching to an assembly, met together in Gracechurch street, the 14th of August last, 1670; and that William Mead is not guilty of the said indictment.

Thomas Veer,  
Foreman.  
Edward Bushel,  
John Hammond,  
Henry Henly,  
Henry Michel,  
John Brightman,

Charles Milson,  
Gregory Walklet,  
John Bailey,  
William Lever,  
James Damask,  
William Plumstead.

This both mayor and recorder resented at so high a rate, that they exceeded the bounds of all reason and civility.

*Mayor.* What! will you be led by such a silly fellow as Bushel! an impudent canting fellow? I warrant you, you shall come no more upon juries in haste: you are a foreman indeed! (addressing himself to the foreman) I thought you had understood your place better.

*Recorder.* Gentlemen, you shall not be dismissed, till we have a verdict that the court will accept; and you shall be locked up, without meat, drink, fire and tobacco. You shall not think thus to abuse the court; we will have a verdict, by the help of God, or you shall starve for it.

*Penn.* My jury, who are my judges, ought not to be thus menaced. Their verdict should be free, and not compelled. The bench ought to wait upon them, but not forestall them. I do desire that justice may be done me, and that the arbitrary resolves of the bench may not be made the measure of the jury's verdict.

*Recorder.* Stop that prating fellow's mouth, or put him out of the court.

*Mayor.* You have heard that he preached; that he gathered a company of tumultuous people; and that they do not only disobey the martial power, but the civil also.

*Penn.* It is a great mistake; we did not make the tumult, but they that interrupted us. The jury cannot be so ignorant, as to think that we met there with a design to disturb the civil peace; since, 1st, we were by force of arms kept out of our lawful house, and met as near it in the street at the soldiers would give us leave: and, 2dly, because it was no new thing, nor with the circumstances expressed in the indictment, but what was usual and customary with us. It is very well known, that we are a peaceable people, and cannot offer violence to any man.

The court being ready to break up, and willing to huddle the prisoners to their jail, and the jury to their chamber, Penn spake as follows :

*Penn.* The agreement of twelve men is a verdict in law ; and such a one being given by the jury, " I require the clerk of the peace to record it, as he will answer it at his peril." And if the jury bring in another verdict contrary to this, I affirm they are perjured men in law. (And looking upon the jury, said) " You are Englishmen ; mind your privilege, give not away your right."

*Bushel.* Nor will we ever do it.

One of the jurymen pleaded indisposition of body, and therefore desired to be dismissed.

*Mayor.* You are as strong as any of them. Starve then, and hold your principles.

*Recorder.* Gentlemen, you must be content with your hard fate ; let your patience overcome it ; for the court is resolved to have a verdict, and that before you can be dismissed.

*Jury.* We are agreed, we are agreed, we are agreed.

The court swore several persons to keep the jury all night, without meat, drink, fire, or any other accommodation.

The court adjourned till seven of the clock next morning (being the fourth instant, called Sunday ;) at which time the prisoners were brought to the bar, the court sat, and the jury called in, to bring in their verdict.

The jury's names called over.

*Clerk.* Are you agreed upon your verdict ?

*Jury.* Yes.

*Clerk.* Who shall speak for you ?

*Jury.* Our foreman.

*Clerk.* What say you ? Look upon the prisoners at the bar : Is William Penn guilty of the matter whereof he

stands indicted, in manner and form as aforesaid, or not guilty ?

*Foreman.* William Penn is guilty of speaking in Gracechurch-street.

*Mayor.* To an unlawful assembly ?

*Bushel.* No, my lord, we give no other verdict than what we gave last night : we have no other verdict to give.

*Mayor.* You are a factious fellow ; I'll take a course with you.

*Bludworth.* I knew Mr. Bushel would not yield.

*Bushel.* Sir Thomas, I have done according to my conscience.

*Mayor.* That conscience of yours would cut my throat.

*Bushel.* No, my lord, it never shall.

*Mayor.* But I will cut yours as soon as I can.

*Recorder.* He has inspired the jury ; he has the spirit of divination ; methinks I feel him. I will have a positive verdict, or you shall starve for it.

*Penn.* I desire to ask the recorder one question : Do you allow of the verdict given of William Mead ?

*Recorder.* It cannot be a verdict, because you are indicted for a conspiracy ; and one being found not guilty, and not the other, it could not be a verdict.

*Penn.* If not guilty, be not a verdict, then you make of the jury, and magna charta, but a mere nose of wax.

*Mead.* How ! Is not guilty, no verdict ?

*Recorder.* No, it is no verdict.

*Penn.* I affirm, that the consent of a jury is a verdict in law. And if William Mead be not guilty, it consequently follows, that I am clear ; since you have indicted us of a conspiracy, and I could not possibly conspire alone.

There are many passages that could not be taken, which passed between the jury and the court. The jury went out again, having received a fresh charge

from the bench, if possible to extort an unjust verdict.

*Court.* Callover the jury.—[*Which was done.*]

*Clerk.* What say you? Is William Penn guilty of the matter whereof he stands indicted in manner and form aforesaid, or not guilty?

*Foreman.* Guilty of speaking in Gracechurch-street.

*Recorder.* What is this to the purpose? I say I will have a verdict. (And speaking to E. Bushel said) You are a factious fellow; I will set a mark upon you. And whilst I have any thing to do in the city, I will have an eye upon you.

*Mayor.* Have you no more wit, than to be led by such a pitiful fellow? I will cut his nose.

*Penn.* It is intolerable that my jury should be thus menaced! Is this according to the fundamental law? Are not they my proper judges by the great charter of England? What hope is there of ever having justice done, when juries are threatened, and their verdicts rejected? I am concerned to speak, and grieved to see such arbitrary proceedings. Did not the lieutenant of the Tower render one of them worse than a felon? And do you not plainly seem to condemn such for factious fellows, who answer not your ends? Unhappy are those juries, who are threatened to be fined, and starved, and ruined, if they gave not in their verdicts contrary to their consciences.

*Recorder.* My lord, you must take a course with that same fellow.

*Mayor.* Stop his mouth. Jailer, bring fetters, and stake him to the ground.

*Penn.* Do your pleasure; I matter not your fetters.

*Recorder.* Till now I never understood the reason of the policy and prudence of the Spaniards in suffering the inquisition among them.

And certainly it will never be well with us, till something like the Spanish inquisition be in England.

The jury being required to go together, to find another verdict, and stedfastly refusing it (saying, they could give no other verdict than what was already given) the recorder (in great passion) was running off the bench, with these words in his mouth, 'I protest I will sit here no longer to hear these things.' At which the mayor calling, stay, stay, he returned, and directed himself unto the jury, and spake as followeth:

*Recorder.* Gentlemen, we shall not be at this pass always with you. You will find the next sessions of parliament there will be a law made, that those that will not conform, shall not have the protection of the law. Mr. Lee, draw up another verdict, that they may bring it in special.

*Lee.* I cannot tell how to do it.

*Jury.* We ought not to be returned; having all agreed, and set our hands to the verdict.

*Recorder.* Your verdict is nothing; you play upon the court. I say, you shall go together, and bring in another verdict, or you shall starve; and I will have you carted about the city, as in Edward the Third's time.

*Foreman.* We have given in our verdict, and all agreed to it. And if we give in another, it will be a force upon us to save our lives.

*Mayor.* Take them up.

*Officer.* My lord, they will not go up.

The mayor spoke to the sheriff, and he came off his seat, and said:

*Sheriff.* Come, gentlemen you must go up; you see I am commanded to make you go.

Upon which the jury went up; and several were sworn to keep them without any accommodation, as aforesaid, till they brought in their verdict.

The court adjourned till the next morning, at seven of the clock.

The prisoners were remanded to Newgate, where they remained till next morning, and then were brought into the court; which being sat, they proceeded as followeth:

*Clerk.* Set William Penn and William Mead to the bar. Gentlemen of the jury, are you all agreed to your verdict?

*Jury.* Yes.

*Clerk.* Who shall speak for you?

*Jury.* Our foreman.

*Clerk.* Look upon the prisoners: What say you? Is William Penn guilty of the matter whereof he stands indicted, in manner and form, &c. or not guilty?

*Foreman.* You have there read in writing already our verdict, and our hands subscribed.

The clerk had the paper, but was stopped by the recorder from reading it; and he commanded to ask for a positive verdict.

*Foreman.* If you will not accept of it, I desire to have it back again.

*Court.* That paper was no verdict; and there shall be no advantage taken against you by it.

*Clerk.* How say you? Is William Penn guilty, &c. or not guilty?

*Foreman.* Not guilty.

*Clerk.* Then hearken to your verdict. You say that William Penn is not guilty in manner and form, as he stands indicted: you say that William Mead is not guilty in manner and form, as he stands indicted; and so you say all.

*Jury.* Yes we do so.

The bench being unsatisfied

with the verdict, commanded that every person should distinctly answer to their names, and give in their verdict; which they unanimously did, in saying, Not guilty, to the great satisfaction of the assembly.

*Recorder.* I am sorry, gentlemen, you have followed your own judgments and opinions, rather than the good and wholesome advice which was given you. God keep my life out of your hands: but for this the court fines you forty marks a man, and imprisonment till paid. [*At which Penn stepped up towards the bench, and said*]

*Penn.* I demand my liberty, being freed by the jury.

*Mayor.* No! you are in for your fines.

*Penn.* Fines! for what?

*Mayor.* For contempt of the court.

*Penn.* I ask, if it be according to the fundamental laws of England, that any Englishman should be fined, or amerced, but by the judgment of his peers or jury? Since it expressly contradicts the fourteenth and twenty-ninth chapter of the great charter of England, which says, "No freeman ought to be amerced, but by the oath of good and lawful men of the vicinage."

*Recorder.* Take him away, take him away, take him out of the court.

*Penn.* I can never urge the fundamental laws of England, but you cry, Take him away, take him away. But it is no wonder, since the Spanish inquisition hath so great a place in the recorder's heart. God Almighty, who is just, will judge you for all these things.

Both jury and prisoners were now forced into the bale-dock, for non-payment of their fines, whence they were carried to Newgate. These proceedings of course aroused the

attention of a nation, justly jealous of the government of such a profligate and arbitrary prince as Charles II. and indignant at the conduct of such a judge as Howel. Sir Thomas Smith, about a century before, had considered the fining, imprisoning, and punishing of juries, to be violent, tyrannical, and contrary to the custom of the realm of England; while the celebrated Sir Matthew Hale, who had been chief-baron of the exchequer, and chief-justice of the king's bench, in this very reign, observed, in his Pleas of the Crown, p. 313, that it would be a most unhappy case for the judge himself, "if the prisoner's fate depended upon his directions, and unhappy also for the prisoner; as, if the judge's opinion must rule the verdict, the trial by jury would be useless."

Edward Bushel, a citizen of Lon-

don, whose name deserves to be handed down to posterity with applause, immediately sued out a writ of *Habeas Corpus*. Upon the return, it was stated, that he had been committed; for that, contrary to law, and against full and clear evidence openly given in court, and against the direction of the court, in matter of law, he, as one of a jury, had acquitted William Penn, and William Mead, to the great obstruction of justice." This cause was at length heard in the superior courts; and after a solemn argument before the twelve judges, the above was resolved to be an insufficient cause for fining and committing the jury. They were accordingly discharged, and they brought actions for damages.

(To be Concluded in our next.)

## DETACHED ANECDOTES.

### DEGRADATION OF IRELAND IN POINT OF MORALS.

BY a list of convicts in the state of New-York, for 5 years, ending Dec. 31st, 1801, the following comprise the number from each country:

From the State of New-York,...	192	
— all the other States,.....	211	403
— Ireland,.....	117	
— England,.....	49	
— Scotland,.....	11	
— Germany,.....	18	
— France,.....	10	
— Other parts of Europe,...	7	
— Canada and Nova Scotia, 8		
— West Indies,.....	49	
— East Indies,.....	3	
— Africa,.....	18	
	290	

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Why does Ireland appear so con-

spicuous in the list of crimes? What in the policy of the laws, the manners, the religious system, or the political institutions, tends so powerfully to the depreciation of character? Something is radically wrong. It is an afflicting circumstance, of which truly to solve the causes, requires the close investigation of statesmen and moralists. But statesmen, alas! have no time to spare from their schemes of self-aggrandizement, and their unceasing wars, to attend to the public good. Finance, or the means of procuring a large revenue, takes precedence, in their view of the reformation of morals. K.

### FACILITY OF CHANGE IN AN AMERICAN LAWYER.

Patrick Henry, the famous orator